

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ROBERT G. WYCKOFF,	:	CIVIL ACTION NO. 00-2248
	:	
Plaintiff,	:	
	:	
	:	
v.	:	CHIEF JUDGE AMBROSE
	:	
METROPOLITAN LIFE INSURANCE	:	
COMPANY AND KENNETH F.	:	
KACZMAREK,	:	
	:	
Defendants	:	

METROPOLITAN LIFE INSURANCE COMPANY’S AND KENNETH F.
KACZMAREK’S MOTION TO EXCLUDE THE DEPOSITION TESTIMONY OF
ROBERT WYCKOFF

Defendants Metropolitan Life Insurance Company (“MetLife”) and Kenneth F. Kaczmarek (“Mr. Kaczmarek”) hereby respectfully request an Order excluding the deposition testimony of Robert Wyckoff. In support of this motion, defendants state the following:

- 1) On September 14, 2006, this Court issued an Order requiring the parties to submit any deposition designations to the Court by September 27, 2006.
- 2) Plaintiff failed to submit any designations from his September 13, 2003 deposition.
- 3) However, plaintiff has included as Exhibit 13 a copy of his September 13, 2003 deposition, and as Exhibit 4 a copy of audiotaped portions of his September 13, 2003 deposition. See Ex. A, Deposition Transcript of Robert G. Wyckoff.
- 4) For the reasons set forth more fully in defendant’s Brief in Support of Motion to Exclude the Deposition Testimony of Robert G. Wyckoff, Exhibits 4 and 13 should be excluded.

WHEREFORE, defendants respectfully request the Court to enter and Order excluding Exhibits 3 and 14.

Respectfully submitted,

Dated: October 3, 2006

s/ B. John Pendleton, Jr.
B. John Pendleton, Jr., Esq.
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Metropolitan Life Insurance Company
and Kenneth F. Kaczmarek

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing document was served via the electronic filing service, this 3rd day of October, 2006, as follows:

Kenneth R. Behrend, Esq.
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(Attorneys for Plaintiff)

s/ B. John Pendleton, Jr.

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

ROBERT G. WYCKOFF,

Plaintiff,

v.

METROPOLITAN LIFE INSURANCE
COMPANY and KENNETH F.
KACZMAREK,

Defendants.

: CIVIL ACTION NO. 01-262

:

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:

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CHIEF JUDGE AMBROSE

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ORDER

THIS MATTER, having come before the Court on the Motion for Summary Judgment by defendants in the above-referenced matter, and the Court having read the papers filed in support of and in opposition to the Motion, and for good cause appearing;

IT IS on this ____ day of _____, 2004, ORDERED that defendants' Motion for Summary Judgment be and is hereby GRANTED and the Complaint is dismissed with prejudice in its entirety.

Hon. Donetta Ambrose, USDJ